

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

BRYAN FARAJOLAH,

Plaintiff,

V.

**VICTORY AUTOMOTIVE GROUP, INC.,
JEFFREY CAPPO, KATIE DIGSBY, AND
CHASE CHANNELL**

Defendants.

No. 1:20-cv-01277-STA-jay

ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED REPORT AND RECOMMENDATION

On November 22, 2021, this Court adopted the Magistrate Judge's Report and Recommendation, thereby granting Defendants' Motion to Dismiss. (ECF No. 31.) However, the Motion to Dismiss only addressed two of four Defendants. Plaintiff neglected to serve Defendants Jeffrey Cappel and Katie Digsby. On December 1, 2021, the Magistrate Judge submitted an Amended Report and Recommendation, proposing that the Court dismiss all Defendants sua sponte. (ECF No. 32.) After reviewing the Amended Report and Recommendation, the Court agrees with the conclusion of the Magistrate Judge that all Defendants should be dismissed. In short, because Plaintiff failed to file his EEOC complaint against the Defendants within the applicable ninety-day limitations period, he is without a remedy against any of the Defendants in the instant matter. Therefore, this Court hereby adopts the Magistrate Judge's Amended Report and Recommendation and orders that all Defendants to this action be dismissed.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: December 2, 2021.